

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2011 NOV 21 P 4:07

DUBLIN DIVISION

CLERK C Adams
SO. DIST. OF GA.

WESLEY EUGENE DOLLAR,

Plaintiff,

v.

C. PRESTON, Doctor, et al.,

Defendants.

CV 311-075

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's motion to proceed *in forma pauperis* is **DENIED** (doc. no. 10), his "Motion to Dismiss/Withdraw" is **MOOT** (doc. no. 14), and this action is **DISMISSED** without prejudice.¹ If Plaintiff wishes to proceed with the claims raised in this lawsuit, he must initiate a new lawsuit, which would require submission of a new complaint. Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002) (*per curiam*).

SO ORDERED this 21st day of November, 2011, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE

¹Subsequent to issuance of the Report and Recommendation, Plaintiff moved to voluntarily dismiss his case without prejudice. (Doc. no. 14.) Because this action is subject to dismissal without prejudice for the reasons set forth in the Report and Recommendation, Plaintiff's motion to voluntarily dismiss is **MOOT**. See Cook v. Randolph County, 573 F.3d 1143, 1156 & n.7 (11th Cir. 2009) (noting that request becomes moot when requested relief has already been provided).